

Docket No. FOUND-0093 JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Changbai He et al.
SERIAL NO.: 10/810,057
FILING DATE: March 26, 2004
TITLE: MULTI-LEVEL INTERRUPTS
EXAMINER: (to be assigned)
ART UNIT: 2111

Certificate of Mailing

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Date: 11-2-04 Signature: Sharon E. Byam
Sharon E. Byam

MAIL STOP: Office of Initial Patent Examination
Commissioner for Patents
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Alexandria, VA 22313-1450

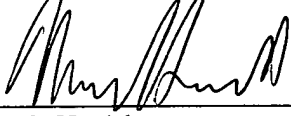
CORRECTION TO FILING RECEIPT

We received the attached filing receipt for the above-identified case. It incorrectly identifies "none" under the Power of Attorney. Therefore, please amend the appropriate records to reflect the correct listing of attorneys for the above referenced matter. A power of attorney (attached) was originally submitted on September 7, 2004. Additionally, we submit herewith a document identifying "Patent Practitioners to be made of Record" under 37 C.F.R. §1.32(c)(3) to limit those identified to ten or fewer practitioners.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST LLP


Marc S. Hanish
Reg. No. 42,626

Dated: November 1, 2004

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
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Fax: (408) 287-8040



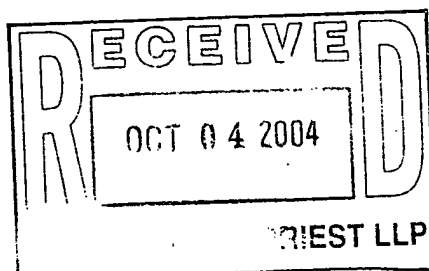
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34103-018

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/810,057	03/26/2004	2111	1496	FOUND-0093	3	34	7

David B. Ritchie
THELEN REID & PRIEST LLP
P.O. BOX 640640
SAN JOSE, CA 95164-0640



CONFIRMATION NO. 7875

UPDATED FILING RECEIPT



OC000000013939375

Date Mailed: 09/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Changbai He, San Jose, CA;
Ron Talmor, Cupertino, CA;

Assignment For Published Patent Application

Foundry Networks, Inc., a Delaware Corporation

Power of Attorney: None See enclosed "Practitioner To Be Made of Record"

Domestic Priority data as claimed by applicant

Foreign Applications

Reviewed By: MP Date: 10/28/04
No Action Required: _____
Action Required: ✓ POA

If Required, Foreign Filing License Granted: 06/05/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,
US10/810,057

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Mail log _____ Date _____
CPI _____ Date _____
Excel _____ Date _____
DOCKETED
OCT 13 2004

Title

Multi-level interrupts

Preliminary Class

710

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

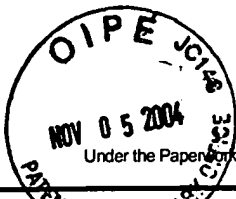
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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/810,057	
	Filing Date	March 26, 2004	
	First Named Inventor	Changbai He et al.	
	Art Unit	2111	
	Examiner Name	(to be assigned)	
Total Number of Pages in This Submission	10	Attorney Docket Number	FOUND-0093

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Correction to Filing Receipt; copy of Filing Receipt; Patent Practitioners to be Made of Record; copy of Declaration & Power of Attorney; return postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Marc S. Hanish, Reg. No. 42,626 THELEN REID & PRIEST LLP
Signature	
Date	November __, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Sharon E. Byam		
Signature		Date	November <u>2</u> , 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



UNITED STATES PATENT AND TRADEMARK OFFICE

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1450 Alexandria, VA 22313-1450, on the date printed below:

Date: 11-2-04

Signature: _____

Sharon E. Byam

Sharon E. Byam

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PATENT PRACTITIONERS TO BE MADE OF RECORD

Pursuant to 37 C.F.R. § 1.32(c)(3)

Please recognize the following ten patent practitioners in the attached Declaration and Power of Attorney as being of record in the application or patent to which the power of attorney is directed:


David B. Ritchie, Reg. No. 31,562
Khaled Shami, Reg. No. 38,745
Steven J. Robbins, Reg. No. 40,299
Hal J. Bohner, Reg. No. 27,856
Robert E. Krebs Reg. No. 25,885

Marc S. Hanish, Reg. No. 42,626
John P. Schaub, Reg. No. 42,125
Thierry K. Lo, Reg. No. 49,097
Adrienne Yeung, Reg. No. 44,000
James E. Parsons, Reg. No. 34,691

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1698.

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: November 1, 2004



Marc S. Hanish
Reg. No. 42,626

THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640
Telephone: (408) 292-5800
Fax: (408) 287-8040



Docket No. FOUND-0093

DECLARATION & POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My correct residence, post office address and citizenship are stated below next to my name.

I believe myself to be the original, first and sole inventor (if only one name is listed below) or an original and first joint inventor (if more than one name is listed below) of the subject matter which is disclosed and claimed and for which a patent is sought on the invention entitled:

"MULTI-LEVEL INTERRUPTS"

The specification of this subject matter:

is attached hereto.

XX was filed on March 26, 2004;

was assigned serial No. 10/810,057;

which was amended on _____;

I hereby state that I have reviewed and understand the contents of the above-identified patent application, including the claims, as amended by any amendment(s) referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 C.F.R. §1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)**Priority Claimed**

Number	Country	Month/Day/Year Filed	Yes	No
Number	Country	Month/Day/Year Filed	Yes	No
Number	Country	Month/Day/Year Filed	Yes	No

Docket No. FOUND-0093

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date
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Application Number	Filing Date
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I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in these prior United States application(s) in the manner provided by 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

Application No.	Filing Date	Status (Issued, Pending, Abandoned)
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Application No.	Filing Date	Status (Issued, Pending, Abandoned)
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Application No.	Filing Date	Status (Issued, Pending, Abandoned)
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Application No.	Filing Date	Status (Issued, Pending, Abandoned)
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hereby appoint David B. Ritchie, Registration No. 31,562; Robert E. Krebs, Registration No. 25,885; Marc S. Hanish, Registration No. 42,626; John P. Schaub, Registration No. 42,125; Adrienne Yeung, Registration No. 44,000; Steven J. Robbins, Registration No. 40,299; Thierry K. Lo, Registration No. 49,097; William Samuel Niece, Registration No.: 47,824; Khaled Shami Registration No. 38,745; William E. Winters, Registration No. 42,232, Masako Ando, (37 C.F.R. §10.9 (b)); Yukiko Maekawa, Registration No. 50,307 and John Klaas Uilkema, Registration No. 20,282; Becky L. Troutman, Registration No. 36,703; Hal J. Bohner, Registration No. 27,856; as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith. If this application is assigned by me I agree and understand that the above-named attorneys will represent the assignee and not me.

Please send all correspondence and direct all telephone calls to:

David B. Ritchie
Thelen Reid & Priest LLP
P.O. Box 640840
San Jose, CA 95164-0640
Telephone: (408) 292-5800
Facsimile: (408) 287-8040

I, the undersigned, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

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Docket No. FOUND-0093

FULL NAME OF FIRST Name
INVENTOR 1

MIDDLE Initial(s)

LAST Name

RESIDENCE AND
CITIZENSHIP

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State or Foreign Country

He

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Number and StreetCalifornia
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State or Country

Zip Code

1535 Bellemade

San Jose

California

95131

FULL NAME OF FIRST Name
INVENTOR 2

MIDDLE Initial(s)

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Talmor

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CityIsrael
State or Country

Zip Code

1034 November Drive

Cupertino

California

95014

I further declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Changbai He

Date

8/6/2004


Ron Talmor

Date

8/7/2004

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Docket No. FOUND-0093

37 C.F.R. §1.56**Duty to disclose information material to patentability**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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